

Appln. No. 09/859,564
Amendment dated August 24, 2004
Reply to Office Action of May 24, 2004

REMARKS

Introduction

This Amendment is in response to an Office Action dated May 24, 2004. Claims 1-41 were in the application, and were rejected under 35 U.S.C. §103. By this Amendment, applicant has amended claims 1, 9, 20, 27 and 39. Accordingly, claims 1-41 are presently in the application. Claims 1, 9, 20, 27 and 39 are independent.

Rejections Under 35 U.S.C. § 103(a)

In the Office Action, claims 1-41 were rejected under 35 U.S.C. §103(a) based on a proposed hypothetical combination of U.S. Patent No. 6,061,056 to Menard, U.S. Patent No. 5,703,655 to Corey et al., and U.S. Patent Application Publication No. 2004/0080528 to Rand et al.

Telephonic Interview

Applicants would like to thank the Examiner for the courtesies extended during a telephonic interview conducted on August 19, 2004, during which applicants' proposed amendments to the claims were discussed. During the interview, the Examiner stated, and then subsequently recorded on an Interview Summary document, that the "proposed amendments to the independent claims appear to overcome the prior art of record." While the "Menard reference archives closed captioning ... for search/retrieval," applicants' claimed inventions pertain "to the transmission of cc/teletext which is delivered/received in streaming media format." A copy of the Interview Summary is attached hereto.

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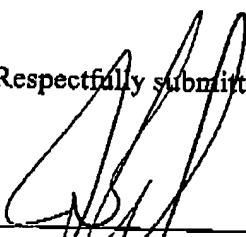
Applicants submit that the independent claims presented herein are the same as those discussed during the interview, and each of the pending dependent claims depend from one of the amended independent claims. Accordingly, applicants respectfully request that the rejections to the claims be withdrawn.

CONCLUSION

Applicants respectfully submit that all of the claims presently in the application (i.e., 1-41) are in condition for allowance. If the examiner cannot issue an immediate Notice of Allowance, the Examiner is respectfully requested to contact the undersigned attorney to discuss outstanding issues.

Authority is hereby given to charge any additional needed fees to Deposit Account No. 19-4709.

Respectfully submitted,



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Interview Summary

Application No.

08/859,584

Applicant(s)

DYER, THOMAS
CHRISTOPHER

Examiner

BRIAN P. YENKE

Art Unit

2614

All participants (applicant, applicant's representative, PTO personnel):

(1) BRIAN P. YENKE (examiner).(3) James Dobrow (applicant's representative).(2) James DeCarlo (applicant's representative).

(4) _____

Date of Interview: 19 August 2004.Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____Claim(s) discussed: Independent claims (1, 9, 20, 27 and 39).Identification of prior art discussed: Menard US 6,081,056.Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The proposed amendments to the independent claims appear to overcome the prior art of record. The Menard reference archives closed-captioning(cc)teletext for search/retrieval. The applicant's invention pertains to the transmission of coteletext which is delivered/received in streaming media format. Upon receipt of the proposed amended claims, the examiner will perform an updated search to determine the allowability of the claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required